

# CHAPTER 6 – CONSULTATION AND COORDINATION

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## **6.0. CONSULTATION AND COORDINATION**

### **6.1. Agency and Public Participation Summary**

#### **6.1.1. Public Scoping Period and Meetings**

##### **6.1.1.1. Notice of Intent**

The NOI was published on August 3, 2010, in the *Federal Register*, Volume 75, No. 148, Page 45652. The publication of the NOI initiated the formal 30 day scoping period for the EIS. The NOI complied with the requirements of 40 CFR 1508.22, 43 CFR 1610.2, the BLM Land Use Planning Handbook (BLM 2005a), and US Forest Service Handbook 1909.15.21 and 1909.15.11. A BLM website for the project was launched concurrently with publication of the NOI, and has remained active throughout the project ([http://www.blm.gov/id/st/en/prog/nepa\\_register/TCM-exlx\\_EIS.html](http://www.blm.gov/id/st/en/prog/nepa_register/TCM-exlx_EIS.html)).

##### **6.1.1.2. Legal Notice and Press Releases**

A legal notice for the scoping period and public meetings was published in *The Challis Messenger* (Challis) and *The Idaho Statesman* (Boise) on August 5, 2010. A BLM press release was also sent to Idaho newspapers, television stations, and radio on August 3, 2010. The email address initially provided in the legal notice and press release was invalid. A legal notice with the correct email address was published in *The Idaho Statesman* and *The Challis Messenger* respectively on August 14, 2010 and August 19, 2010. A corrected press release was sent on August 11, 2010 to parties who had received the August 3, 2010 release. The email address for public comments for the DEIS/draft RMP amendment is [blm\\_id\\_tcm\\_eis@blm.gov](mailto:blm_id_tcm_eis@blm.gov).

##### **6.1.1.3. Scoping Mailing**

The agencies prepared a scoping letter that summarized the proposed MMPO and land exchange, and related Federal actions. The mailing list of potentially interested parties was compiled from all recent BLM, Forest Service, and USACE NEPA mailing lists for projects in Custer County, as well as the mailing list for the Idaho Cobalt Project EIS. The mailing list for the Thompson Creek Mine EIS also includes additional parties who might be interested in the project such as adjacent land owners or land managers. The initial scoping mailing list is included in the Scoping and Alternatives Report (JBR 2011). The scoping letter, a description of the MMPO and land exchange proposals, maps, and a blank comment form were mailed to 617 potentially interested parties on August 3, 2010.

The initial mailing list has been revised throughout the project by adding parties who responded as a result of the legal notice, NOI, public meetings, website, or otherwise requested to be on the list. The scoping comment form included a place to indicate whether a party wished to be retained on the mailing list. Respondents who were not already on the initial list and who checked the form were added to the list. Non-governmental parties on the list who did not respond to the initial mailing were removed from the project mailing list. Parties will be removed from the list upon their request, or if a party indicates it will obtain all future project information from the BLM project website.

#### **6.1.1.4. Public Scoping Meetings**

Two public scoping meetings in open house format were held on August 23, 2010 in Boise and on August 24, 2010 in Challis. The meetings provided attendees with a description of the MMPO and land exchange proposals/RMP amendment, an explanation of the NEPA process, the scoping letter, and maps of the project area. Posters were also used to depict the MMPO and the land exchange proposals and to provide background information on current mining operations and environmental conditions. Comment forms were available at the meetings. Representatives of the agencies and the third-party NEPA contractor were present at each meeting to answer questions, discuss the project, and accept public comments. In addition, representatives from TCMC were present to answer questions about the project. There were 19 attendees at the Boise meeting and 39 attendees at the Challis meeting (JBR 2011). By the close of the 30 day scoping period, 188 public responses had been received. In addition, 23 responses were received between September 1 and September 27, 2010 for a total of 211 responses. Some responses had multiple signatures, for a total of 218 respondents.

#### **6.1.1.5. Internal Scoping Meeting**

A formal internal scoping meeting was held on November 24, 2009 in Challis to solicit comments from State and Federal agencies with jurisdiction or interest in the project. Minutes and comments collected from the meeting are in JBR (2011). Informal internal scoping among employees of the BLM, Forest Service, USACE, EPA, IDEQ, and IDL has continued throughout the project.

#### **6.1.2. Notice of Exchange Proposal**

The BLM Director approved the feasibility analysis for the land exchange on April 5, 2013, and an agreement to initiate a land exchange between TCMC and the BLM was signed on April 24, 2013. The BLM published a NOEP in local newspapers during the weeks of April 15, April 22, April 29, and May 6, 2010 pursuant to 43 CFR 2201.2. The notice provided an additional public comment period of 45 days for the land exchange proposal. Three respondents provided three responses to the notice, and all of the comments were considered by the BLM (JBR 2013).

#### **6.1.3. Project Mailing List**

The mailing list of interested persons for the project was initially assembled (Section 6.1.1.), and individuals that participated in the scoping process or requested to be added to the list were subsequently added to the list (Section 6.6).

#### **6.1.4. Distribution of the DEIS/Draft RMP Amendment**

A 90 day public comment period was initiated for the DEIS/draft RMP amendment by publication of the EPA Notice of Availability (NOA) for the DEIS/draft RMP amendment in the *Federal Register*. The BLM also published a NOA for the DEIS/draft RMP amendment in the *Federal Register*. In addition, at the beginning of the comment period the BLM published legal notices in local newspapers, provided news organizations with a news release, and updated the BLM project website announcing the availability of the DEIS/draft RMP amendment. The DEIS/draft RMP amendment was provided to all parties on the project mailing list, and made available via the project website. The DEIS/draft RMP amendment will also be provided on request to any interested party. A public meeting will be held in Challis to obtain comments on

the DEIS/draft RMP amendment and to answer questions that the public has regarding the project or the EIS process. The BLM will announce the location, date and time of the public meeting at least 15 days in advance of the meeting through a public notice and media releases.

#### **6.1.5. Final EIS/Proposed RMP Amendment Distribution**

A 30 day FEIS/proposed RMP amendment review period will be initiated by publication of the EPA NOA for the FEIS/proposed RMP amendment in the *Federal Register*. The BLM will also publish a NOA for the FEIS/proposed RMP amendment in the *Federal Register*. In addition, at the beginning of the review period the BLM will publish legal notices in local newspapers, provide news organizations with a news release, and update the BLM project website announcing the availability of the FEIS/proposed RMP amendment. The FEIS/proposed RMP amendment will be provided to all parties on the project mailing list, made available via the BLM project website and the BLM Challis Field Office, and provided on request to any interested party.

#### **6.1.6. Record of Decisions**

Subsequent to the 30 day review period for the FEIS/proposed RMP amendment, the responsible officials from the BLM, Forest Service, and USACE will each prepare a ROD for the components of the project for which the officials have respective authority. The BLM decision on the RMP amendment will also follow the 60 day Governor's Consistency Review period. The BLM and Forest Service will distribute the RODs to all parties on the project mailing list, and on request to any interested party. The BLM and Forest Service will publish legal notices in local newspapers and provide news organizations with news releases announcing the availability of the RODs. The BLM will also announce the availability of the RODs via the BLM project website. The USACE ROD is normally not distributed outside of the USACE.

### **6.2. Criteria and Methods by Which Public Comments Will be Evaluated**

Comments received on this DEIS/draft RMP amendment will be reviewed and evaluated by the agencies, and the FEIS/proposed RMP amendment will be revised and/or supplemented accordingly.

### **6.3. Agency Coordination/Consultation**

The BLM, Forest Service, USACE, EPA, IDL, and IDEQ are coordinating to prepare a single EIS and complete the NEPA process for the project. The BLM is the lead agency responsible for filing the DEIS/draft RMP amendment and FEIS/proposed RMP amendment with the EPA, and the Forest Service, USACE, EPA, IDL, and IDEQ are cooperating agencies based on their legal jurisdiction and/or special expertise with respect to the project (Section 1.1). The Idaho SHPO was consulted regarding cultural resources; the NHPA Section 106 historic preservation consultation for the project has been completed. The ESA Section 7 consultation will be initiated after public comments for the DEIS/draft RMP amendment have been reviewed by the agencies.

### **6.4. Government-to-Government Consultation**

Per Executive Order 13175, Government-to-Government tribal consultation and coordination has been conducted, and is on-going, for the project. The lands involved in the project are lands

traditionally used by the Shoshone-Bannock Tribes (lands ceded by the Fort Bridger Treaty of July 3, 1868) and are within the typical area-of-interest of the Tribes. The Tribes have a treaty (legal) right to hunt, fish, and gather natural resources on unoccupied lands of the US (Fort Bridger Treaty, Article 4).

The lands involved in the project are not traditionally used by the Nez Perce Tribe (lands ceded by the Camp Stevens Treaty of June 11, 1855), nor are the lands within the typical area-of-interest of this Tribe. However, the Nez Perce Tribe has treaty hunting and gathering rights on open and unclaimed lands of the US (Camp Stevens Treaty, Article III), and the Tribe is interested in the project because of downstream effects to anadromous fisheries.

#### **6.4.1. Shoshone-Bannock Tribes**

Formal Government-to-Government consultation was initiated with the Shoshone-Bannock Tribes on March 8, 2007 regarding the land exchange proposal and RMP amendment. The Tribes were also formally consulted about the land exchange proposal, RMP amendment, proposed MMPO, and Section 404 permit on March 18, 2009. At that time, the Tribes asked to be involved in the development of a preferred management alternative for the Broken Wing Ranch. To address that interest, the RAC for the BLM Idaho Falls District formed a subcommittee to evaluate management alternatives for the ranch (BLM 2009b). The subcommittee included Chad Colter, RAC member and representative for the Tribes. Consultation with the Tribes is ongoing and included Government-to-Government letters mailed to the Tribes on March 22, 2010 and September 28, 2010. The letters included project information and offers of a site tour and additional Government-to-Government consultation regarding the project. The Tribes submitted scoping comments in a letter dated November 29, 2010 (JBR 2011). The project was further discussed during consultation and coordination meetings between the SCNF and the Shoshone-Bannock Tribes on May 21, 2010; May 10, 2011; October 20, 2011; May 3, 2012; October 4, 2012; and November 21, 2013.

#### **6.4.2. Nez Perce Tribe**

A Nez Perce Tribe technical staff member was notified about the project in July 2009, and the staff member toured the mine site and the Broken Wing Ranch in August 2009. The BLM mailed Government-to-Government letters to the Tribe on March 22 and September 28, 2010 with project information, offers of site tours, and offers of formal Government-to-Government consultation regarding any aspect of the project. A conference call was held on May 12, 2010 among the BLM, Forest Service, Nez Perce Tribe technical staff, and the third-party NEPA contractor to discuss the project. A summary of the key concerns raised by the Nez Perce Tribe technical staff is provided in JBR (2011).

## 6.5. List of Preparers and Reviewers

Lead Agency:

- BLM, Challis Field Office

Cooperating Agencies:

- SCNF
- USACE, Walla Walla District
- EPA, Region 10
- IDEQ
- IDL

A large number of specialists, including a joint BLM-Forest Service Interdisciplinary Team, were involved in preparing the EIS. Only the principal preparers/reviewers are cited (Table 6.5-1. and Table 6.5-2).

**Table 6.5-1. Principal agency EIS preparers.**

<b>Role or Resource</b>	<b>BLM</b>
Decision-maker (MMPO)	Todd Kuck, Field Manager, Challis Field Office
Decision-maker (land disposal)	Joe Kraayenbrink, District Manager, Idaho Falls District
Decision-maker (RMP amendment)	Steven Ellis, State Director, Idaho
Project Lead	Ken Gardner, Geologist
Air Quality, Noise, and Climate Change	Ken Gardner, Geologist
Fish and Aquatic Resources	Clif Tipton, Fisheries Biologist; Ryan Beatty, Fisheries Biologist
Cultural Resources	Carol Hearne, Archaeologist/SRMS
Geologic Resources and Geotechnical Issues	Ken Gardner, Geologist
Hazardous Materials and Solid Waste	Dick Buster, Natural Resource Specialist
Land Use	Jan Parmenter, Realty Specialist
Transportation, Access, and Public Safety	Ken Gardner, Geologist
Range Resources	Peggy Redick, Lead Range Management Specialist/SRMS; Kristin Coons, Range Management Specialist
Socioeconomic Factors	Ken Gardner, Geologist
Vegetation, Forest Resources and Invasive and Non-native Plants	Dana Perkins, Ecologist; Leigh Redick, Fire Management Specialist
Visual (Aesthetic) Resources	Jeff Christenson, Outdoor Recreation Planner; Ben Roundtree, Outdoor Recreation Planner

<b>Role or Resource</b>	<b>BLM</b>
Wildlife Resources	Bart Zwetzig, Wildlife Biologist
<b>Role or Resource</b>	<b>Salmon-Challis National Forest</b>
Decision-maker (MMPO)	Chuck Mark, Forest Supervisor
Project Contact	Piper Goessel, Geologist
Alternate Project Contact	Russ Bjorkland, Minerals Management Specialist
Cultural Resources	John Rose, Archaeologist
Vegetation, Forest Resources and Invasive and Non-native Plants	Lynn Bennett, Fire Ecologist
Geologic Resources and Geotechnical Issues	Todd Touchard, Geotechnical Engineer; Kevin Bourne, Dams Engineer
Land Use and Recreation	Russ Camper, Natural Resource Specialist
Soil Resources	Betsy Rieffenberger, Hydrologist; Piper Goessel, Geologist
Transportation, Access, and Public Safety	Jennifer Brady, Forest Engineer
Tribal Treaty Rights and Interests	Tim Canaday, Archaeologist
Water Resources	Betsy Rieffenberger, Hydrologist; Bill MacFarlane, Hydrologist Piper Goessel, Geologist
Wetlands, Riparian Areas and Floodplains	Betsy Rieffenberger, Hydrologist; Bill MacFarlane, Hydrologist; Piper Goessel, Geologist
<b>Role or Resource</b>	<b>USACE</b>
Decision-maker (404 Permit)	Kelly Urbanek, Chief Regulatory Division
Project Contact	Greg Martinez, Regulatory Project Manager
<b>Role or Resource</b>	<b>EPA</b>
Project Contact	Lynne Hood, Environmental Scientist
Alternate Project Contact	Dave Tomten, Geologist
<b>Role or Resource</b>	<b>IDEQ</b>
Project Contact	Troy Saffle, Regional Manager, Water Quality
Project Contact	Steve Heaton, Regional Manager, Waste and Remediation
<b>Role or Resource</b>	<b>IDL</b>
Project Contact	Gary Billman, Sr. Land Resource Specialist, Minerals
Project Contact	Leslie Meyer, Land Resource Specialist, Minerals
Project Contact	Joe Larson, Land Resource Specialist, Minerals
Project Contact	Chris Morris, Land Resource Specialist, Minerals



**Table 6.5-2. Third-party NEPA contractor preparers.<sup>1</sup>**

<b>Role or Resource</b>	<b>Name</b>
Project Manager	Brian Buck
Deputy Project Manager	Stephanie Lauer
Air Quality, Noise, and Climate Change	Chris Johnson
Cultural Resources	Jenni Prince-Mahoney
Geochemistry	Ron Schmiermund (E2G)
Geologic Resources and Geotechnical Issues	Jamey Sage
Geotechnical Stability and Geohazards	Allen Gipson and Bryan Ulrich (KP)
Fish and Aquatic Resources	Dave Kikkert
Hazardous Materials and Solid Waste	Tyler Etzel (Atkins)
Land Use and Recreation	Stephanie Lauer
Tribal Treaty Rights and Interests	Jenni Prince-Mahoney
Range Resources	Marit Sawyer
Socioeconomic Factors	Jan Stanbro (University of Utah)
Soil Resources	Ed Spotts (Atkins)
Transportation, Access, and Public Safety	Anna Smith (Atkins)
Vegetation, Forest Resources, and Invasive and Non-native Plants	Cindy Hoschouer (Atkins)
Visual (Aesthetic) Resources	Schelle Davis
Water Resources	Karla Knoop and Jon Schulman
Wetlands, Floodplains, and Riparian Areas	Lynn Bacon (Atkins)
Wildlife Resources	Laura Arneson

## **6.6. Recipients of this DEIS/Draft RMP Amendment**

Pursuant to CEQ regulations (40 CFR 1502.19), the BLM is providing this DEIS/draft RMP amendment to 1) agencies having jurisdiction by law or special expertise with respect to any environmental effect involved and any appropriate Federal, State or local agency authorized to develop and enforce environmental standards; 2) the applicant; and 3) any agencies, organizations, or individuals that responded during scoping and/or requested a copy of the document (Appendix 6A). The parties listed in Appendix 6A received either a hard copy of the DEIS/draft RMP amendment or an electronic copy on CD. This list does not include individuals that requested that their contact information be kept confidential.

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<sup>1</sup> JBR Environmental Consultants, Inc. except subcontractor personnel noted in parentheses: E2G = E2Geochemistry, Inc.; KP = Knight Piésold Consulting; Atkins = WS Atkins PLC.

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